



Talbot County Planning Commission
Final Decision Summary

Wednesday, August 5, 2020 at 9:00 a.m.
Wye Oak Room, Talbot Community Center

Attendance:

Commission Members:

Phillip “Chip” Councill, Chairman
Lisa Ghezzi
Michael Strannahan

Attended by Teleconference:
William Boicourt, Vice Chairman
Paul Spies

Staff:

Miguel Salinas, Assistant Planning Officer
Elisa Deflaux, Planner II
Maria Brophy, Planner II

Attended by Teleconference:
Anthony Kupersmith, County Attorney

1. Call to Order——Commissioner Councill called the meeting to order at 9:05 a.m.

2. Decision Summary Review

May 20, 2020 June 3, 2020 June 10, 2020 July 9, 2020

All Decision Summary Reviews were postponed to allow more time for review. Commissioner Ghezzi expressed that the Decision Summaries did not express the concerns of the Commissioners. Especially regarding the Town of Trappe & Trappe East Holdings Business Trust Application. She was under the impression that legal counsel or staff would be providing the County Council with a summary of the concerns that the Commissioners raised. The Town of Trappe & Trappe East Holdings Business Trust Application appeared before the Planning Commission May 20, June 3rd and June 9, 2020. The application ended in a motion to recommend to the County Council that Amendment No. 1 to Resolution 281 is consistent with the Comprehensive Plan based on the multiple days of testimony. The motion carried (3-2, Boicourt and Ghezzi opposed). Miguel Salinas, Assistant Planning Director mentioned that Planning Commission meetings are normally not transcribed. For Resolution 281, Talbot County paid a Court Reporter to transcribe the meetings. The Transcriptions are attached to the Decision Summaries and available online. Due to the length of the Transcriptions Commissioner Ghezzi indicated it would be burdensome for the County Council to read over 250 pages of transcriptions. Commissioner Ghezzi and Commissioner Boicourt are going to prepare a summary on the Town of Trappe & Trappe East Holdings Business Trust discussions to provide to the County Council. Commissioner Ghezzi confirmed that the summary would be based on the minority vote concerns. Commissioner Councill suggested that the summary also include the majority view. He asked Commissioner Ghezzi and Commissioner Boicourt to be objective to the decision when creating the summary for

the County Council. Commissioner Boicourt agrees that it should cover a fair balance of the minority and majority views.

If you would like to watch any of the above Planning Commission meetings, they are currently available to the public at the link below.

<https://www.youtube.com/midshorecommunitytelevision>

3. Old Business

a. Applicant: Department of Planning and Zoning
Agent: Miguel Salinas, Assistant Planning Officer
Request: Recommendation to the County Council
Project: Draft Cordova Village Master Plan

On May 20, 2020 Planning Commission Meeting we reviewed the Draft Cordova Village Master Plan. Commissioner Spies thought the plan was very well done. It shows what can or could be done in the future. Commissioner Boicourt also thought it was very well done. He is still concerned about the bike trail however; he believes it can be addressed in the future. Commissioner Ghezzi wanted to confirm what letters were received by Planning and Zoning regarding this matter. Miguel Salinas referenced a letter from February 2020 from Zachary Smith of Armistead, Lee Rust & Wright, P.A. representing several property owners in the area. Miguel Salinas read part of the letter and it did express concerns regarding the bike trail. Commissioner Ghezzi remembers receiving the letter and a few others. Commissioner Ghezzi asked if the draft is from 2019 has the correspondence received been taken into consideration. Miguel confirmed that there has been no changes to the draft since December 2019. Commissioner Councill expressed some concerns regarding the master plan. Specifically the land use and development section that mentions creating overlay developments and the section that mentions village plans and appearances. The community should have input in these areas. Miguel Salinas stated that community input is requested before proceeding with those types of projects. Commissioner Strannahan stated that a plan is more a concept than a plan set in stone. He does not believe the tasks in front of the Planning Commission today is to be specific. Commissioner Spies agrees and states that the staff did a good job with the draft. The draft is bringing up questions and topics from the community now, instead of right before a project starts. This is a great way to introduce topics that allows time for Community input.

Commissioner Ghezzi moved to recommend to County Council the Draft Cordova Village Master Plan be forwarded to the County Council, it meets the goals in the Comprehensive plan and Staff will continue discussions with leadership in the community. Commissioner Boicourt seconded the motion. The motion carried unanimously.

b. Applicant: Department of Planning and Zoning
Agent: Miguel Salinas, Assistant Planning Officer
Request: Recommendation to the County Council

Project: Draft Working Waterfront Overlay District

Miguel summarized a recent letter from Jennifer Esposito of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. Critical Area is concerned that the draft does not provide enough protection for habitat and water quality. We are all trying to figure out how to balance economic growth and revitalization. They believe that the County has great flexibility under the Modified Buffer Area section of the code to create development and mitigation standards that are specific to working waterfronts. Critical Area staff supports a targeted program to enhance working waterfront. Critical Area Commission staff is open to working with the County to review the water dependent facilities and Modified Buffer Area provisions to ensure that any proposed revisions are consistent with state regulations.

Commissioner Councell does not feel they are ready for a motion to the County Council at this time knowing that staff will be working with Critical Area to address some of their concerns and recommendations. He acknowledges receiving a well-written letter from Mrs. Steen and would like to give the community more time to review and comment on this issue. Commissioners all agree. Commissioner Councell asked for public comments. There was none. Public comment submittal will remain open until this issue is brought back to the Planning Commission in September.

4. New Business

a. Applicant: Joseph Ford
File No.: 20-1712
Agent: Susan Stockman
Request: Recommendation to the Board of Appeals
Project: Special Exception for a 15' x 6'-6" accessory structure prior to the principal residence
Location: 24246 Mt. Pleasant Road, St. Michaels, MD 21663
Zoning: Map 32, Grid 1, Parcel 82; Zone: CP

Susan Stockman and Joseph Ford appeared in person for this meeting. Maria Brophy, Talbot County Planner II read the staff report. The applicant is requesting a Special Exception for a 15' long x 6.5' wide one-story residential accessory storage structure (shed) on a property that does not contain a principle residence. Should the Planning Commission elect to recommend approval for this Special Exception for the residential storage structure, staff recommends the following condition: The applicant shall take all of the required steps and acquire all necessary approvals, including, any additional waivers necessary, required for a Special Exception as spelled out in the *Talbot County Code*. Susan Stockman gave some background information on the property. Mr. Ford lived in a house on the property for years. The house was deemed uninhabitable by the County. Mr. Ford moved to an apartment in St. Michaels. When the house was demolished by the County the shed remained. Mr. Ford has a small lawn care business and stores his lawn equipment in the shed. The property was well maintained. Commissioners express their approval and support for this request. Commissioner

Council expressed that this request is different from other special exception request for accessory structure prior to the principal residence. Susan Stockman wanted to thank County Staff, especially Chris Corkell and Miguel Salinas and Maria Brophy who helped her with this complicated process. Commissioner Council asked for public comments. There was none.

Commissioner Ghezzi moved to recommend to the Board of Appeals to approve the Special Exception for Joseph Ford, located at 24246 Mt. Pleasant Road, St. Michaels, MD 21663 with the condition that the applicant shall take all of the required steps and acquire all necessary approvals, including, any additional waivers necessary, required for a Special Exception as spelled out in the *Talbot County Code*. Commissioner Strannahan seconded the motion. The motion carried unanimously.

b. Applicant: Yacht Club Road LLC
File No.: MV36
Agent: Brendan S. Mullaney
Request: Recommendation to Planning Officer
Project: Minor Variance (Critical Area)
Location: 24700 Yacht Club Road, St. Michaels, MD 21663
Zoning: Map 23, Grid 15, Parcel 16; Zone: RR

Elisa Deflaux, Planner II read the staff report. The applicant is seeking approval of the following minor variance to expand an existing nonconforming dwelling 679 square feet in the Shoreline Development Buffer (Buffer) as follows:

Expand the structure by adding a 2nd floor loft with bath. The current closest point of the dwelling to Mean High Water (MHW) is 30.7 feet and the resulting closest point to MHW will be 38.8 feet. Should the Commission recommend approval, the staff recommends the following conditions: 1) The applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction. 2) The applicant shall commence construction of the proposed improvements within eighteen (18) months from the date of the Planning Office's 'Notice to Proceed'. 3) The applicant shall be required to provide a buffer management plan to mitigate for the new lot coverage in the shoreline development buffer at a ratio of 3 times the disturbance associated with this project; and 4) Approval of the Minor Variance is conditioned on the project constituting an "expansion" of existing structure within the Shoreline Development Buffer. In the event that the Planning Officer determines that the work performed constitutes a "replacement" of the structure during the building permit process, a Board of Appeals Variance will be required for the project to move forward.

Mr. Bowen explained the history of the property. His family has renovated a lot of the property, replaced the septic and even completed a living shoreline project. The guesthouse needs to be renovated. Commissioners, staff and applicant discussed the word "replacement" compared to expansion or remodel. Miguel confirmed that the proposal does conform with a minor variance. However, during the building permit

process several walls are coming down. If the permit department deems it as a new structure and not an expansion/remodel, the applicant would need to go to Board of Appeals. The building inspector will make that decision. The owner confirmed that he is aware of these risks. Commissioner Ghezzi had inquired about a stream on the property that was not captured by the Engineer, no zoning sign on the property and height restrictions. The owner confirmed that it is not a stream but was built for storm water management. The area recently had a lot of rain and a tropical Storm creating a lot of storm water. Elisa Deflaux confirmed that a sign was not needed for this application. Miguel Salinas confirmed that the height restriction is (40) forty feet for accessory buildings. Public comment was made over the phone by Leslie Steen, who stated that this property was a Short Term Rental (STR). Commissioner Councell thanked Mrs. Steen for calling in. The property status as an STR is not relevant to this application. The guesthouse is excluded from the Short Term Rental license.

Commissioner Spies moved to recommend the Planning Officer approve the Minor Variance for Yacht Club Road LLC, located at 24700 Yacht Club Road, St. Michaels, MD 21663; with all staff recommendations being complied with, Commissioner Ghezzi seconded the motion. The motion carried unanimously.

c. Applicant: Talbot County, Maryland
Agent: Mary Kay Verdery, Planning Officer
Request: Recommendation to County Council
Project: Resolution No. 291, a Resolution concerning the proposed rezoning by the town of Easton, Maryland (the “Town”) of real property located at 29328 Dutchmans Lane, Easton, Maryland 21601, further described as Tax Map 34, Parcel 91, consisting of approximately 1.696 acres± (the “property”); finding that the proposed rezoning from Talbot County’s Town Residential (“TR”) zoning district to the Town’s R-10A zoning district upon annexation will result in substantially different uses or substantially higher density, exceeding 50%, than could be granted for proposed development under the pre-annexation county zoning; and, waiving the 5-year hold in accordance with Local Government Article § 4-416 of the Maryland Annotated Code.

For annexations, counties are tasked with reviewing the provisions of “the Five Year Rule” and then determining whether the proposal is consistent with current County zoning or if not whether the County is willing to waive its zoning requirements. A summary of the provisions of The Five Year Rule from the Maryland Department of Planning:

Annexation Zoning - The Five-Year Rule Cities and towns exercising planning and zoning powers under Article 66B have exclusive authority over planning and zoning in newly annexed areas. However, Article 23A Section 9 of the Code provides that no city or town may for five years following an annexation allow development of property within an annexed area if the development would be substantially different than the use

238 *authorized under county zoning at the time of the annexation. Also, for five*
239 *years following an annexation, development density of newly annexed*
240 *property may not be greater than 50% higher than would have been*
241 *permitted under county zoning at the time of annexation. A county*
242 *governing body may waive this requirement if its members so desire.*
243

244 Miguel did an introduction to all three related items Resolutions Resolution No. 291,
245 Resolution No. 292 and Bill No. 1462. Commissioners were given information on all
246 three Resolutions. They also received maps that show zoning and aerial imagery of the
247 areas to be annexed and de-annexed. Anthony Kupersmith, County Attorney, stated that
248 whole purpose for this process is Talbot County and The Town of Easton both desire to
249 transfer a large portion of Dutchmans Lane to the Town. Mr. Covington is a co-applicant
250 for the annexation. There are three steps. First is annexation, that includes the road and
251 the Covington Property. The second one is de-annexation. The third one is to transfer the
252 road. If the County does not transfer the Covington Property and Dutchmans Lane, the
253 Covington property would be surrounded by Town of Easton property creating an
254 enclave. If the Town annexed but did not deannex Third Street, it would create a
255 different enclave. Commissioners and staff discussed the difference in zoning parameters.
256 The major difference is in the density. Talbot County maximum density for that property
257 is (1) per acre without sewer. Commissioner Ghezzi referred to a letter from Charles
258 Boyd of the Maryland Department of Planning that stated that the density zonings
259 appeared to be consistent. Miguel Salinas stated that the County staff does not agree
260 because the Covington Property is not in the sewer service area as mapped in the
261 Comprehensive Water and Sewer Plan. Commissioners thought staff did a good job
262 presenting this information. No public comments were made.
263

264 Staff Recommendation

265 Resolution 291—Although the property is located within the Town Priority 1
266 growth boundary as outlined within the Comprehensive Plan, given the
267 substantially higher densities and inconsistencies in certain land uses, staff
268 advocates that the Planning Commission favorably recommend the zoning waiver
269 request to the County Council.
270

271 **Commissioner Boicourt moved to recommend to County Council to approve**
272 **Resolution 291- that would waive the “Five Year Rule”, concerning the proposed**
273 **rezoning by the town of Easton, Maryland (the “Town”) of real property located at**
274 **29328 Dutchmans Lane, Easton, Maryland 21601, further described as Tax Map 34,**
275 **Parcel 91. Commissioner Strannahan seconded the motion. The motion carried**
276 **unanimously.**
277

278 **d. Applicant:** Talbot County, Maryland
279 **Agent:** Mary Kay Verdery, Planning Officer
280 **Request:** Recommendation to County Council
281 **Project:** Resolution No. 292, a Resolution authorizing the transfer of a
282 portion of Dutchmans Lane to the Town of Easton and authorizing the execution of a
283 quitclaim deed to effect the transfer.

284
285 Staff Recommendation

286 Resolution 292—Informational only, no Planning Commission action needed
287

- 288 **e. Applicant:** Talbot County, Maryland
289 **Agent:** Mary Kay Verdery, Planning Officer
290 **Request:** Recommendation to County Council
291 **Project:** Bill No. 1462, a Bill to repeal official zoning Map 34 of Talbot
292 County, and reenact the same with an amendment designating the zoning district of a
293 parcel of land shown on Tax Map 34 and described as “Third Street” on a plat titled
294 “de-annexation plat town of Easton Third Street right-of-way in the Town of Easton
295 Talbot County, Maryland Tax Map 34 Grid n/a Parcel n/a”, prepared by Lane
296 Engineering, Inc., and dated April 28, 2020, such parcel consisting of 0.579 acres±,
297 from the R-10A Town of Easton zoning district to Town Residential (TR) Talbot
298 County zoning district in part and Town Conservation (TC) Talbot County zoning in
299 part, which zoning designation is contingent upon the de-annexation of “Third Street”
300 by the Town of Easton, Maryland
301

302 Staff Recommendation

303 Bill 1462—Deannexation is not subject to the “five year rule”, nor does the Zoning Code
304 define a process for de-annexation. However, using the factors considered for the map
305 amendment process under Section 190-55.2, staff advocates support for and a favorable
306 recommendation to the County Council
307

308 **Commissioner Boicourt moved to recommend to County Council to approve Bill No.**
309 **1462 - which would repeal official zoning Map 34 of Talbot County, and reenact the**
310 **same with an amendment designating the zoning district of a parcel of land shown**
311 **on Tax Map 34 and described as “Third Street” on a plat titled “de-annexation plat**
312 **town of Easton Third Street right-of-way in the Town of Easton Talbot County,**
313 **Maryland”. Commissioner Strannahan seconded the motion. The motion carried**
314 **unanimously.**
315

316 **5. Discussions Items—None**
317

318 **6. Staff Matters**

- 319 a. Commissioners were handed an article submitted to the Planning Commissioner
320 by Dan Watson. The article was titled “Large-lot Housing popping up across PA
321 farmland”. (<https://www.bayjournal.com/content/tncms/live/>). Mr. Watson
322 stated: “We in Talbot County are blessed to be free of this.”
323
324 b. Due to the pandemic, Miguel recommended that the Planning Commission
325 meetings continue to be in the Wye Oak room until we are comfortable returning
326 to the Bradley Meeting Room.
327

328 **7. Work Sessions—None**
329

330 **8. Commission Matters**

- 331
- 332 a. Commissioner Councell asked staff to arrange a meeting with the Trappe Planning
- 333 Commission.
- 334 b. Commissioner Councell also asked Anthony Kupersmith if the Planning Commission
- 335 has the ability to recommend amendments to legislative matters before them when
- 336 making a recommendation to the County Council. Anthony Kupersmith stated that
- 337 they do technically have the ability however, how far do you want to lead the County
- 338 Council. The County Council makes the final decision. Sometimes they may agree
- 339 with your amendments and other times they may not.
- 340 c. Commissioner Councell wanted to know if the words “to determine consistency with
- 341 the Comprehensive Plan” should be on the agenda. Anthony Kupersmith stated that
- 342 certain times by Maryland State Law require the Planning Commissioners to find
- 343 consistency. However, general recommendations like Bill 1462 do not require the
- 344 Planning Commission to find consistency. For now we should continue to “find
- 345 consistency with the Comprehensive plan” on items regarding Comprehensive Water
- 346 Sewer amendments.
- 347 d. Commissioner Boicourt missed a webinar on parking reform. However, Miguel
- 348 Salinas attended the webinar. He believes the recording and power point will be
- 349 released for the meeting.

350

351 **9. Adjournment— Commissioner Ghezzi moved to adjourn the meeting.**

352 **Commissioner Strannahan seconded the motion. The motion carried unanimously.**

353 **Meeting adjourned at 11:05 pm**

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357